

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kison Walters,)	Case No. 4:25-cv-04454-JDA
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
United States of America, Lt.)	
Holcomb, CO J Adkins, Day Watch)	
Unit Staff, Evening Watch Unit Staff,)	
and Medical Staff,)	
)	
Defendants.)	

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 4.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pre-trial proceedings.

On June 4, 2025, the Magistrate Judge issued a Report recommending that Plaintiff’s claims under Bivins be transferred in the interests of justice to the United States the District Court of the Eastern District of Kentucky for further handling. [Doc. 4.] The Magistrate Judge found that South Carolina was not the proper venue under 28 U.S.C. § 1391 as Plaintiff’s Complaint alleges the individual Defendants are not residents of South Carolina and the events— failure to protect allegations against Kentucky prison guards in a Kentucky prison—that gave rise to the action occurred in Kentucky. [*Id.* at 3.] The Magistrate Judge advised the Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 5.] As of the date of this Order, Plaintiff has failed to file objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, this action is transferred in the interests of justice to the United States the District Court of the Eastern District of Kentucky for further proceedings.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

July 8, 2025
Florence, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.